

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Jarick Willis,

Plaintiff

v.

Clark County Detention Center, et. al.,

Defendants

Case No. 2:22-cv-00108-JAD-EJY

**Order Dismissing
and Closing Case**

Plaintiff Jarick Willis brings this civil-rights lawsuit to redress constitutional violations that he claims he suffered while detained at Clark County Detention Center. On January 24, 2022, this court denied Willis's incomplete application to proceed in forma pauperis and ordered Willis to file a fully complete application to proceed in forma pauperis or pay the full filing fee of \$402 by March 25, 2022.¹ That deadline expired, and Willis did not pay the fee, file a complete application to proceed in forma pauperis, or otherwise respond to the court's order.

District courts have the inherent power to control their dockets and "[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal" of a case.² A court may dismiss an action based on a party's failure to obey a court order or comply with local rules.³ In determining whether to dismiss an action on this ground, the court must consider: (1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its

¹ ECF No. 2.

² *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986).

³ *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for lack of prosecution and failure to comply with local rules).

1 docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of
 2 cases on their merits; and (5) the availability of less drastic alternatives.⁴

3 The first two factors, the public’s interest in expeditiously resolving this litigation and the
 4 court’s interest in managing its docket, weigh in favor of dismissal of the plaintiff’s claims. The
 5 third factor, risk of prejudice to defendants, also weighs in favor of dismissal because a
 6 presumption of injury arises from the occurrence of unreasonable delay in prosecuting an
 7 action.⁵ The fourth factor—the public policy favoring disposition of cases on their merits—is
 8 greatly outweighed by the factors favoring dismissal.

9 The fifth factor requires the court to consider whether less drastic alternatives can be used
 10 to correct the party’s failure that brought about the court’s need to consider dismissal.⁶ Courts
 11 “need not exhaust every sanction short of dismissal before finally dismissing a case, but must
 12 explore possible and meaningful alternatives.”⁷ Because this court cannot operate without
 13 collecting reasonable fees, and litigation cannot progress without a plaintiff’s compliance with
 14 court orders, the only alternative is to enter another order setting another deadline. There is no
 15 indication that Willis did not receive the court’s previous order or that he needs additional time
 16 to respond, so issuing another order will only delay the inevitable and further squander the
 17

18 ⁴ *In re Phenylpropanolamine Prod. Liab. Litig.*, 460 F.3d 1217, 1226 (9th Cir. 2006) (quoting
 19 *Malone v. U.S. Postal Serv.*, 833 F.2d 128, 130 (9th Cir. 1987)).

20 ⁵ *See Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976).

21 ⁶ *Yourish v. Cal. Amplifier*, 191 F.3d 983, 992 (9th Cir. 1999) (explaining that considering less
 22 drastic alternatives *before* the party has disobeyed a court order does not satisfy this factor);
 23 *accord Pagtalunan v. Galaza*, 291 F.3d 639, 643 & n.4 (9th Cir. 2002) (explaining that “the
 persuasive force of” earlier Ninth Circuit cases that “implicitly accepted pursuit of last drastic
 alternatives prior to disobedience of the court’s order as satisfying this element[.]” i.e., like the
 “initial granting of leave to amend coupled with the warning of dismissal for failure to
 comply[.]” have been “eroded” by *Yourish*).

⁷ *Henderson*, 779 F.2d at 1424.

1 court's finite resources. Setting another deadline is not a meaningful alternative given these
2 circumstances. So the fifth factor favors dismissal.

3 Having thoroughly weighed these dismissal factors, I find that they weigh in favor of
4 dismissal. IT IS THEREFORE ORDERED that **THIS ACTION IS DISMISSED** without
5 prejudice based on the plaintiff's failure to pay the filing fee or file a complete application to
6 proceed in forma pauperis in compliance with the court's order. The Clerk of Court is directed
7 to **ENTER JUDGMENT** accordingly and **CLOSE THIS CASE**. If Jarick Willis wishes to
8 pursue his claims, he must file a complaint in a new case, and he must pay the fee for that action
9 or file a complete application to proceed in forma pauperis.

10 Dated: April 5, 2022

11 

U.S. District Judge Jennifer A. Dorsey